



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.907 of 2015

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Muthusamy

... Appellant/Petitioner

Vs.

1.Sumathy

2.ICICI Lombard General Insurance Company Limited,
through its Branch Manager,
First Floor, Omalur Main Road,
Near Bus Stand, Salem.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 12.06.2013 made in MCOP.No.246 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli.

For Appellant : Mr.T.Selvakumaran
For Respondents : Mr.K.K.Ramakrishnan
for Mrs.V.Muthukamatchi for R2
R1 dispensed with.

JUDGMENT

Heard the learned counsel for both parties.

2.The claimant has filed this appeal seeking enhancement of compensation awarded to him.

3.The claimant was a driver by avocation. On account of the injury suffered by him, he was out of employment for six months. The Tribunal awarded a sum of Rs.1,39,000/- as compensation. Even though the percentage of disability has been assessed at 25%, the Tribunal awarded only a sum of Rs.50,000/- towards disability compensation. The compensation awarded under other conventional heads also is not adequate. Therefore, the compensation payable to the claimant is reworked as under :

For loss of income	: Rs.36,000/-
Disability compensation (25%x3000)	: Rs.75,000/-
Loss of amenities	: Rs.40,000/-
Extra nourishment	: Rs.10,000/-
Transportation charges	: Rs.5,000/-
Attender charges	: Rs.10,000/-
Pain and sufferings	: Rs.40,000/-



4.The compensation payable to the claimant is enhanced from a sum of Rs.1,39,000/- to Rs.2,16,000/-. The award dated 12.06.2013 made in MCOP.No.246 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli is accordingly modified.

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5.The second respondent insurance company is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited if any. On such deposit, the claimant is permitted to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

6.This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Special Sub Court, Motor Accidents
Claims Tribunal, Tirunelveli.

2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.K.K.Ramakrishnan, Advocate SR.No. 87266

+1cc to M/S.T.Selvakumaran, Advocate SR.No. 87530

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SKM

JM/MR KKR/SAR 1/18.12.2017/2P/5C